

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PHIL ROSEMANN, et al.)
)
 Plaintiffs,) Cause No. 4:10CV-01165
 v.) Demand for Jury Trial
 MARTIN SIGILLITO and DOES 1)
 Through 50 inclusive,)

**SEPARATE MOTION OF DEFENDANT MARTIN SIGILLITO
FOR A CONTINUANCE OF THE TRIAL DATE**

COMES NOW Defendant, Martin T. Sigillito, and moves this Court for a continuance of the proposed trial date of October 24, 2011 and as grounds therefor states and alleges as follows:

1. On November 18, 2010 this Honorable Court entered its "Order Setting Civil Jury Trial".
2. In that Order, the Court set this case for trial during the two week period beginning on October 24, 2011.
3. In that Order the Court also required any motion for a continuance to be filed within 14 calendar days after the date of the Order.
4. On August 22, 2011 the undersigned counsel for Defendant, Martin T. Sigillito, is scheduled to start a trial in the Circuit Court of Jefferson County, Missouri, which will last at least one week. Ronald Page, et al. v. Millsap & Singer, P.C., et al.; Cause No. 08JE-CC00694.
5. On October 3, 2011 the undersigned counsel for Defendant, Martin T. Sigillito, is scheduled to start a trial in the United States District Court for the Eastern District of Missouri. Lila L. Decker, et al. v. Joseph T. Bookstaver, et al.; Cause No. 4:09CV1361 CEJ.

6. On October 17, 2011 the undersigned counsel for Defendant, Martin T. Sigillito, is scheduled to start a multi-million dollar legal malpractice trial arising out of the alleged mishandling of a patent infringement trial in the Circuit Court of the City of St. Louis which will last at least one week and maybe two. Coin Acceptors, Inc. v. Haverstock, Garrett & Roberts, LLP, et al.; Cause No. 0822-CC09905.

7. On October 24, 2011 the undersigned counsel for Martin T. Sigillito anticipates he will be in the second week of the aforementioned Coin Acceptors case in the Circuit Court of the City of St. Louis. The preparation for and trial of the Coin Acceptors case and the preparation for and trial of the Decker (October 3, 2011) case will impose an undue hardship on the undersigned counsel for Defendant, Martin T. Sigillito, if this Honorable Court were also to require him to prepare and try this case during the two week docket commencing on October 24, 2011.

8. The undersigned counsel for Defendant, Martin T. Sigillito, states he has no other conflicts after the conclusion of the October 17, 2011 (Coin Acceptors) case and is willing to accept a trial setting by this Court at any time after the current two week docket commencing on October 24, 2011.

WHEREFORE, due to the heavy trial schedule of the undersigned counsel for Defendant, Martin T. Sigillito, this Defendant respectfully requests this Court continue the trial setting of this case from the trial docket of October 24, 2011 to any trial docket thereafter and for whatever other relief this Court deems appropriate.

LERITZ, PLUNKERT & BRUNING, P.C.



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MARTIN T. SIGILLITO

CERTIFICATE OF SERVICE

The undersigned certifies a copy of the foregoing was delivered via electronically and U.S. Mail, postage prepaid, this 24 day of November, 2010 to:

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